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HUMAN RIGHTS COMMITTEE

Sixty-first session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)* OF THE 1644th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 7 November 1997, at 10 a.m.

Chairperson: Ms. CHANET

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* The summary record of the first part (closed) of the meeting appears as document CCPR/C/SR.1644.

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GE.97-19091 (E)

The public part of the meeting was called to order at 10.30 a.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

1. The CHAIRPERSON welcomed Mr. McCarthy, the representative of the High Commissioner for Human Rights, who wished to address the Committee.

2. Mr. McCARTHY (Office of the High Commissioner for Human Rights) drew the Committee's attention to a matter to which Mrs. Robinson, like her predecessor, attached great importance. On 11 April 1997 the Commission on Human Rights had adopted resolution 1997/21, in which it had requested the Secretary-General to submit to the Commission at its fifty-fourth session an analytical report on the issue of fundamental standards of humanity identifying, inter alia, common rules of human rights law and international humanitarian law that were applicable in all circumstances. He read out paragraphs 4 and 5 of the resolution. He also recalled the provisions of paragraph 6 of the Vienna Programme of Action (A/CONF.157/24 (Part I)), which he also read out.

3. Bearing those points in mind and given also that the International Covenant on Civil and Political Rights and its monitoring body, namely the Committee, were central to the international system for the protection of human rights, he invited the Committee to consider what contributions it could make to discussion of the issue of minimum humanitarian standards. It was important for the Committee's views on the issue to be communicated to the Commission on Human Rights, so that the Commission could take them into account in its work. If the Committee so wished, he could send members the relevant documents, in particular the draft minimum humanitarian rules presented at the International Workshop on Minimum Humanitarian Standards held in Cape Town in September 1996, and the report of the Workshop.

4. Ms. EVATT observed that the resolution of the Commission on Human Rights had been adopted in April 1997 and that the Human Rights Committee was about to conclude its session and would not be meeting again until spring 1998. She wondered, therefore, whether the issue raised by Mr. McCarthy was a matter of urgency and, if so, what time-frame the Committee should observe.

5. Mr. EL SHAFEI, Mr. PRADO VALLEJO and Lord COLVILLE said that, if the Committee members were to make a useful contribution to the debate, they should have at their disposal all the necessary documents. They hoped that the Office of the High Commissioner would send them those documents as soon as possible.

6. Mr. SCHEININ said that the issue raised by Mr. McCarthy was of some importance and could be considered in the context of a possible revision of the Committee's general comment 5 on article 4 of the Covenant. The Committee could perhaps set up a small working group to prepare, for its sixty-second session, a draft document on the question of a possible revision of general comment 5, including some discussion of the issue of minimum humanitarian standards.

7. Mr. POCAR asked what the end product of an examination of the issue of minimum humanitarian standards would be. Would it be, for example, a kind of

declaration of principles that could ultimately be adopted by the General Assembly? Mr. Scheinin's idea seemed to be a good one and the Committee could communicate the outcome of its deliberations to the fifty-fourth session of the Commission on Human Rights, which was due to be held at the same time as the sixty-second session of the Committee.

8. Mr. BUERGENTHAL endorsed Mr. Scheinin's suggestion as refined by Mr. Pocar. Even if the Committee did not manage to produce a final draft while the Commission on Human Rights was in session, it should inform the Commission that the issue was being considered by a working group.

9. Mr. McCARTHY (Office of the High Commissioner for Human Rights) noted that the Committee had, in the past, at times asserted that the provisions of the Covenant constituted minimum humanitarian standards. In that sense the Committee's views were of great importance and he suggested that the secretariat might undertake a compilation of the Committee's work and jurisprudence in that area.

10. The CHAIRPERSON thanked Mr. McCarthy and assured him that the Committee would look very carefully at the issue of minimum humanitarian standards, although naturally such rules must not fall short of the provisions of the Covenant. A small informal working group on the issue would be set up and the Committee would ensure that the Commission on Human Rights was informed in timely fashion of the outcome of its deliberations.

Report of the eighth meeting of persons chairing the human rights treaty bodies (unedited document of the fifty-second session of the General Assembly, distributed at the meeting in English only)

11. Mr. EL SHAFEI, introducing, on behalf of the Chairperson, the report of the eighth meeting of persons chairing the human rights treaty bodies, said that it was a comprehensive, detailed document dealing with a whole range of issues of interest to all the treaty bodies. With regard to those issues of specific concern to the Committee, he drew attention first of all to the possibility, mentioned in paragraph 27 of the report, of giving international agencies such as the World Bank, the United Nations Development Programme (UNDP), the International Labour Organization (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the United Nations Children's Fund (UNICEF), a greater role in encouraging States to ratify the various international human rights instruments. He warned against the potentially dangerous or counterproductive nature of such an initiative, whereby international finance institutions would approach States in order to persuade them to ratify a given international instrument. He hoped that the Committee would examine the issue in detail and that the Chairperson would report its opinion to the following meeting of persons chairing the treaty bodies.

12. Another issue dealt with in the report concerned the cooperation of non-governmental organizations in monitoring compliance with the views adopted by the Committee following the examination of communications from individuals, and he said that the Committee should reflect upon the advisability of that initiative as well. Even though non-governmental organizations had an important part to play in that area, it would undoubtedly be preferable for

the Committee to deal directly with the Governments of the States parties concerned. With regard to the handling of the communications themselves, he understood that the Chairperson had discussed with the High Commissioner for Human Rights the question of an increase in financial resources, which would better enable the Committee to carry out its work, in view of the considerable backlog of communications and the fact that it had not been possible, during successive sessions, to deal reasonably expeditiously with even those communications that were ready to be examined.

13. Lastly, he drew attention to the need to look regularly at the question of the meetings of States parties to the various human rights instruments and to reinforce the collaboration among the States parties to the Covenant in implementing the Committee's views.

14. Mr. YALDEN inquired whether the documents referred to, particularly in paragraph 14 of the report of the eighth meeting of chairpersons, could be distributed to the members of the Committee, in view of their special relevance for the operation of the international treaty bodies. He also asked whether the Working Group on the methods of work of the Committee would be in a position to submit its proposals on procedural reforms to the next meeting of persons chairing the treaty bodies, which, it was hoped, might be held in February 1998.

15. Referring to paragraphs 22 and 69 of the report, he asked whether there were any plans to consider the way the Committee should handle the media, because the reporting of the Committee's work, especially in the press, left much to be desired.

16. The CHAIRPERSON said that the meeting requested for February had by no means been confirmed and that in any case, since the Working Group on the methods of work had not yet decided what position it was going to take on the directives, the Committee could not give her a clear mandate.

17. The Committee could place an item on media relations on the agenda for its next session. For her own part, during the current session she had noted that the Committee's work in considering State party reports had received wide press coverage.

18. Mr. YALDEN said that a number of delegations attached great importance to the meeting of persons chairing the human rights treaty bodies; the Canadian delegation, for example, was to submit a draft resolution to the General Assembly requesting the necessary authorization and financing for such a meeting.

19. Ms. EVATT said she wished to raise a matter of serious concern: if nothing was done, it was possible that the Committee, at its sixty-third session in July 1998, would not have the benefit of the collaboration of the members of the secretariat currently seated with the Chairperson at the Committee table, namely Mr. Tistounet, Ms. Edelenbos, Ms. Morales, Ms. Dupuy, Ms. Saddier and Mr. Schmidt.

20. Mr. BUERGENTHAL said he considered it important for the Committee to be able to give its opinion on some of the issues raised in the report of the

meeting of persons chairing the treaty bodies. The Committee was entitled to have its say on certain matters and should be able to devote at least half a day to discussing those matters during its sessions.

21. More specifically, he wondered whether, in view of the importance the meetings of persons chairing the treaty bodies were bound to acquire, it would not be appropriate to establish subcommittees on specific issues, where it would be easier to study questions of particular concern to the Human Rights Committee, such as methods of work and procedures relating to communications.

22. With regard to the media, he shared Mr. Yalden's view and supported a number of Mr. El Shafei's suggestions. However, he saw nothing problematic in what was said in paragraph 27 of the report, on the potential role of the World Bank, UNDP, ILO, UNESCO and UNICEF in exploring the contributions those agencies might make to encouraging and assisting Governments to ratify the core international human rights instruments.

23. The CHAIRPERSON said that the Committee usually devoted half a day during its March session to matters raised in the meetings of persons chairing the human rights treaty bodies and that, if the meeting planned for February 1998 was confirmed, Committee members could address their observations on the report to her, so that she could communicate them to that meeting.

The meeting was suspended at 11.45 a.m. and resumed at 12.55 p.m.

CLOSURE OF THE SESSION

24. After an exchange of courtesies, the CHAIRPERSON declared closed the sixty-first session of the Human Rights Committee.

The meeting rose at 1 p.m.